

Attorney Docket No.: 9400-389 (01183)
Application No.: 10/008,295
Filed: November 13, 2001
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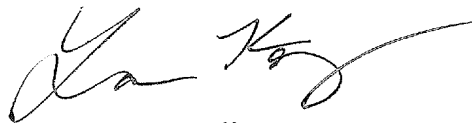
REMARKS

This Amendment and Request for Continued Examination is responsive to the Decision on Appeal of September 24, 2008. Applicants hereby request further consideration of the present application in view of the amendments above and the remarks that follow.

In particular, Applicants have amended the independent claims to generally recite the subject matter of Claims 4 and 10, *i.e.*, to recite that the notification information further includes presence information. In addition, the independent claims have been further amended to recite that notifying the shopper that the triggering event has occurred is based on the presence information. It is noted that Claims 4 and 10 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia ("Ahluwalia") in view of "Presence: the Best Thing That Ever Happened to Voice" ("Presence"). Applicants submit that Ahluwalia discusses that consumers may elect to receive status updates through a particular communication form. *See* Ahluwalia, column 10, lines 28-26 ("For example, the consumer may elect to receive status update reports via email, facsimile, or a web page."). Therefore, Ahluwalia teaches away from notifying the shopper that the triggering event has occurred based on presence information as is now recited in the independent claims.

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laura M. Kelley', with a stylized flourish extending to the right.

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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on November 19, 2008.

Signature: Joyce Paoli
Joyce Paoli